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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,676	01/14/2004	Lookman Fazal	630-053US	8048
47912	7590	07/24/2008		
Avaya			EXAMINER	
DEMONT & BREYER, LLC			KEEFE, MICHAEL E	
100 COMMONS WAY, STE 250				
HOLMDEL, NJ 07733			ART UNIT	PAPER NUMBER
			2154	
			NOTIFICATION DATE	DELIVERY MODE
			07/24/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@dblaw.com

Office Action Summary

Application No.

10/757,676

Applicant(s)

FAZAL ET AL.

Examiner

MICHAEL E. KEEFER

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed 5/15/2008.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Etoh (US 2002/0161920) in view of Ando et al. (US 2002/0078202), hereafter Ando.

Regarding claims 14-15, Etoh discloses:

A method comprising:

deploying a first station in a first network; deploying a server in a second network connected to said first network through a secure access server; (Fig. 1, 12, 26, 22, 11 may all be stations in the first network, 28 is a sever in a second network. 13 or 14 may be "secure access servers" between the first and second network.)

transmitting from said first station a protocol data unit addressed to a second station in said first network, wherein said protocol data unit comprises an address of said server. ([0089-0091], additionally Fig. 7-8 and their descriptions in [0092-0093]. A station in one network (transmitter 26) routes a data packet through a suspected router (i.e. 22) in the same network, and upon receiving the packet at the server on the second

network (recipient 28) the server decides that the device is an unauthorized router.)

Etoh discloses all the limitations of claims 14-16 except for the server alarming when the packet is received.

The general concept of recording, alerting, or alarming when a possible network vulnerability is found is well known in the art. (I.e. The examiner is taking Official Notice of this fact.) This is evidenced by Ando in at least Fig. 12, which displays an alert when unauthorized intrusions are detected; Fig. 14 which displays multiple network attacks/vulnerabilities as well as the network addresses of these events, additionally

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Etoh with the general concept of recording, alerting, or alarming when a possible network vulnerability is found as taught by Ando in order to allow a network administrator to be aware of network vulnerabilities found by Etoh.

4. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Etoh and Ando as applied to claims 14-15 above, and further in view of Burrows et al. (US 2002/0073338), hereafter Burrows.

Etoh and Ando teach all the limitations of claims 16-17 except discovering the port that the unauthorized router is attached to and disabling that port.

The general concept of discovering the port that is the source of a network attack or vulnerability and disabling that port is well known in the art as taught by Burrows. ([0050-0051] teach finding the source of an unwanted packet and disabling the port that is the source of the packet.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Etoh and Ando with the general concept of discovering the port that is the source of a network attack or vulnerability and disabling that port as taught by Burrows in order to eliminate security vulnerabilities in the network.

Response to Arguments

5. Applicant's arguments filed 5/15/2008 have been fully considered but they are not persuasive.
6. Applicant argues that Etoh does not teach or suggest "the protocol data unit comprises the address of the server". The Examiner disagrees, as in [0090] it is stated "in response to the reception of an inspection IP packet, generates an IP packet that includes a source IP address and a destination IP address that match the source IP address and destination IP address contained in the inspection packet, i.e., that are the IP addresses of the inspection target network connection apparatus and of the recipient router search apparatus." Thus, the packet contains the address of the server, which in this case is the "recipient router search apparatus".

Conclusion

7. Applicant has failed to seasonably challenge the Examiner's assertions of well known subject matter in the previous Office action(s) pursuant to the requirements set forth under MPEP §2144.03. A "seasonable challenge" is an explicit demand for evidence set forth by Applicant in the next response. Accordingly, the claim limitations the Examiner considered as "well known" in the first Office action are now established

as admitted prior art of record for the course of the prosecution. See *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL E. KEEFER whose telephone number is (571)270-1591. The examiner can normally be reached on Monday through Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2154

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEK 7/18/2008

/Joseph E. Avellino/

Primary Examiner, Art Unit 2146